

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARMEN MILAGROS SERRANO,
Plaintiff,

-v-

COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

22-CV-5627 (JPO)

ORDER ADOPTING REPORT AND
RECOMMENDATION

J. PAUL OETKEN, District Judge:

The Court has reviewed Magistrate Judge Sarah L. Cave’s Report and Recommendation (the “Report”) recommending that Plaintiff’s motion for judgment on the pleadings (ECF No. 21) be denied and Defendant’s motion for judgment on the pleadings (ECF No. 25) be granted.

Plaintiff commenced this action pursuant to Section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), seeking review of the April 25, 2022 decision by the Commissioner of the Social Security Administration, denying her application for Supplemental Security Income benefits. (ECF No. 1). Plaintiff moved for judgment on the pleadings on April 14, 2023, and Defendant cross-moved for judgment on the pleadings on June 13, 2023. On July 24, 2023, Judge Cave recommended that Plaintiff’s motion be denied and Defendant’s motion be granted. Specifically, the Report noted that despite some conflicting medical opinions in the record, the Second ALJ Decision finding that Plaintiff was not disabled and could perform certain work available in the national economy both applied the correct legal standard and was supported by substantial evidence.

The Report also included a notice that “[t]he parties shall have fourteen (14) days (including weekends and holidays) from service of this Report and Recommendation to file written objections. . . . FAILURE TO OBJECT WITHIN FOURTEEN (14) DAYS WILL

RESULT IN A WAIVER OF OBJECTIONS AND WILL PRECLUDE APPELLATE REVIEW.” (ECF. No. 28 at 40.)

No party filed an objection to the Report; therefore, the Court reviews it for clear error. *See* Fed. R. Civ. P. 72(b), Advisory Committee’s Notes (1983) (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *see also Borcsok v. Early*, 299 F. App’x 76, 77 (2d Cir. 2008) (“The District Court then reviewed the magistrate judge’s report and recommendation for clear error and, finding none, adopted the report in full.”).

Judge Cave’s thorough and well-reasoned Report presents no errors, clear or otherwise, and is therefore fully adopted by this Court.

Accordingly, the Report and Recommendation (ECF. No. 28) is hereby ADOPTED, Plaintiff’s motion for judgment on the pleadings (ECF. No. 21) is hereby DENIED, and Defendant’s motion for judgment on the pleadings (ECF. No. 25) is hereby GRANTED.

The Clerk of Court is directed to close the motions at Docket Numbers 21 and 25, to enter judgment accordingly, and to close this case.

SO ORDERED.

Dated: September 15, 2023
New York, New York



J. PAUL OETKEN
United States District Judge